IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND THREE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 16367 of 2003

Between:

1 A. Amarsingh S/o. Late Kalyan Singh
2 R. Prakash Singh S/o. Late Kalyansingh
3 R. Ashok Singh S/o. Late Kalyansingh
4 Fateh Singh S/o. Late Kalyansingh, 41 years
(Petitioners 1 to 4 are Residents of Nanakaramguda, Serilingampalli, Ranga Reddy District)
5 Goundla Ramulu S/o. Late Anjaiah
6 Menda Anjaiah S/o. Late Nagaiah
7 Gonti Komaraiah S/o. Late Gonti Buggaiah
8 Iragadidla Sattaiah S/o.LateVenkaiah
(Petitioners 5 to 8 are Residents of Kokapet Village, Rajendranagar

Mandal, Ranga Reddy District)

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep. by its Secretary, Revenue

Department, Secretariat, Hyderabad.
2 The Special Chief Secretary to Government & Chief Commissioner of

Land Administration, Government of Andhra Pradesh, Hyderabad.
3 The District Collector/Deputy Custodian of Evacuee Properties, Ranga

Reddy Dist.
4 The Joint Collector/Settlement Commissioner, Evcuee Properties, Ranga Reddy District.
5 Sri Ramesh Parasram Malani S/o. Not known
6 Sri Kamalp. Malani S/o. not known
7 Sri Rajesh P.Malani S/o. not known
8 Smt. Sunanda P. Malani S/o. Not known
9 Smt. Sulochana P. Malani S/o. Not known

10 Smt. Anuradha P. Malani S/o. Not Known
11 Smt. Padma P. Malani S/o. Not Known
12 Sri Praveen P. Malani S/o. Not known
(Respondents 5 to 12 are residents of Flat No. 303, Disha

Apartments, Shyamkaran Road, Ameerpet, Hyderabad.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 2nd respondent in allotting the lands in favour of the respondents 5 to 12 vide proceedings CCLA'S REF.No. SEPS/19/2001 dated 26-2-2003 in so far as the lands in S.No.303, 304, 305, 307, 325, 326, 327 and 331 of Poppalaguda Village, Rajendranagar Mandal, Rangareddy District is concerned as illegal, arbitrary, without jurisdiction and contrary to the provisions of G.O.Ms.No. 1883 dated 9-12-1961 which is in consequence of the Circular instructions of the Under Secretary to Government of India vide CIRCULAR No. 5(10) L & R/63 dated 20.10.1964 and also the Proceedings of the 2nd respondent dated 25-9-2002 and to set aside the same and consequentially direct the District Collector, Rangareddy District to implement the orders of the CCLA Ref.No. SEP3/183/1990 dated 25-9-2002.

Counsel for the Petitioners: MR. N. SUBBA REDDY, SENIOR COUNSEL FOR MR.M.PRABHAKARA RAO

Counsel for the Respondent Nos.1 to 4: G.P. for Revenue

Counsel for the Respondent Nos.5 to 12: MR. S. RAMACHANDRA RAO, SENIOR COUNSEL FOR MR. K.R. PRABHAKAR

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.16367 OF 2003

ORDER:

The eight petitioners impugn the proceedings dt.26.2.2003 of Chief Commissioner of Land Administration, second respondent herein, allotting land in favour of respondents 5 to 12, legal representatives of Parsram Ramchand. By the said proceedings the District Collector was requested to handover land admeasuring Acs.148.30 in S.Nos.301 to 308, 325 to 328 and 331 (part) of Poppalguda,

Rajendranagar Mandal, duly following the procedure. The challenge is mainly on the ground that second respondent has no jurisdiction to allot the land to contesting respondents and that the same is contrary to orders of the Government in G.O.Ms.No.1883, dt.9.12.1961. The petitioners seek an order to set aside the proceedings of second respondent dt.26.2.2003 and for a consequential direction to the District Collector, Ranga Reddy District, third respondent herein, to implement the orders of second respondent dt.25.9.2002.

This Court admitted the matter on 6.8.2003. By order dt.16.4.2004 made in W.P.M.P.No.20304 of 2003, this Court directed the respondents to maintain *status quo* with regard to possession of the lands in various survey numbers of Poppalguda Village. Respondents 5 to 12 moved an application being W.V.M.P.No.1277 of 2004, and also filed a counter affidavit opposing the Writ Petition. While claiming title over the subject land, it is stated that the Government of Andhra Pradesh in exercise of their *suo motu* powers under Section 24 of Displaced Persons (Compensation and Rehabilitation) Act, 1954 by Memo dt.20.3.2003 stayed the orders of second respondent. Subsequently, by another Memo dt.20.8.2003 the Government issued notice respondents 5 to 12 calling upon them to show cause as to why the allotment made in their favour should not be cancelled by the impugned order. It appears, the petitioners herein also filed their objections on 24.9.2004 in the said revision/revision pending before the Government.

As the Government has seized of the matter, learned Senior Counsel for petitioners, Sri N.Subba Reddy and learned Senior Counsel for respondents 5 to 12, Sri S.Ramachandra Rao, did not press various contentions raised by them. In the opinion of this Court, it would not be proper for this Court to adjudicate the various issues that arise for consideration in this Writ Petition. It would be in the interest of rival parties to approach the Government for expeditious disposal of the review/revision petition pending before the Government against the impugned order of second respondent whereby and whereunder subject land admeasuring Acs.148.30 in S.Nos.301 to 308, 325 to 328 and 331 (part) of Poppalguda, Rajendranagar Mandal, was allotted to respondents 5 to 12. The Government has already stayed the impugned orders and therefore the petitioners cannot have any objection if the same is continued. The Government is directed to dispose of the review/revision petition within a period of three months from the date of receipt of a copy of this order by issuing notice to all persons interested in the land, if necessary by publishing notice in widely circulated newspapers.

The Writ Petition, with the above observations, is disposed of. No costs.

(V.V.S.RAO, J)

4.10.2004

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To

1. The Secretary, Government of A.P., Revenue Department, Secretariat, Hyderabad.

2. The Special Chief Secretary to Government & Chief Commissioner of Land Administration, Government of A.P., Hyderabad.

3. The District Collector/Dy.Custodian of Evacuee Properties, Rangareddy District.

4. The Joint Collector/Settlement Commissioner, Evacuee Properties, Rangareddy District.

5. 2 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

6. 2 CD copies.